

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PRINCESS BLACK  
Plaintiff,

v.

KEN M. JORGENSEN and  
LAWRENCE TRANSPORTATION  
COMPANY  
Defendants.

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CIVIL ACTION NO. 3:15-cv-3469

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that Defendant, Ken M. Jorgenson (“Jorgenson”), by and through his counsel of record and pursuant to 28 U.S.C. § 1332(a), respectfully submits this Notice of Removal, removing the above-entitled lawsuit from the County Court at Law No. 2, Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division. Removal is proper on the following grounds:

1. On September 10, 2015, Plaintiff, Princess Black (“Plaintiff”), commenced an action against Ken M. Jorgenson and Lawrence Transportation Company (“Defendants”), in the County Court at Law No. 3, Dallas County, Texas. *See Exhibit B-1.*

2. Plaintiff’s Original Petition and Request for Disclosure in the State Court proceeding was served on Jorgenson on October 4, 2015.

3. Jorgenson filed his Original Answer in the State Court proceeding on October 26, 2015. *See Exhibit B-5.*

4. On September 17, 2015, the State Court entered notice pursuant to Texas Rule of Civil Procedure 165a. *See Exhibit B-4.*

5. No other pleadings are on file with the clerk of the State Court and the State Court has entered no orders in this action. *See Exhibit A*. No hearings are set in the State Court action. *Id.*

6. Removal of this action is permitted pursuant to 28 U.S.C. § 1332(a), since there is complete diversity between the parties that existed both at the time the lawsuit was filed and at the time of removal, as set forth below:

- a. Plaintiff is a Texas citizen who resides in Dallas County, Texas. *See Exhibit B-1*, p.1. Plaintiff maintains a Texas driver's license. *See Exhibit C*.
- b. Jorgenson is a citizen of the State of Minnesota. Jorgenson has resided at a home located at 205 6th Street in Hayfield, Minnesota for approximately twenty-seven years. Specifically, Jorgenson resided in Hayfield, Minnesota on September 10, 2015. Jorgenson currently resides at that same residence in Hayfield, Minnesota, and has resided there continuously since September 10, 2015. Jorgenson has never resided in the State of Texas. *See Exhibit D*.
- c. Upon information and belief, Defendant Lawrence Transportation Corporation is a corporation with its location of formation and principal place of business in the State of Minnesota.
- d. The amount in controversy exceeds \$75,000.00, excluding interest and costs, as Plaintiff seeks "monetary relief of \$100,000 or less," as stated in Plaintiff's Original Petition. *See Exhibit B-1*, p.1.

7. Jorgenson files this Notice of Removal timely under 28 U.S.C. § 1446(b), being made within 30 days of receipt, through service or otherwise, of the initial pleadings setting forth Plaintiff's claims for relief upon which this action is based.

8. Venue in this Division is proper under 28 U.S.C. § 1446(a) as the County Court at Law No. 2, Dallas County, Texas, is located within the United States District Court for Northern District of Texas, Dallas Division.

9. There are two defendants; however, Plaintiff has not requested the Dallas County Clerk to issue citation to defendant Lawrence Transportation Company. *See Exhibit A.* Therefore, consent to the removal of this case by Lawrence Transportation Company is not necessary at this time.

10. Both Plaintiff and Jorgenson demanded a jury trial in the state court suit. *See Exhibits B-1, B-5.*

11. Pursuant to 28 U.S.C. § 1446(a), Jorgenson has attached all the State Court process, pleadings, and orders served upon them, including the discovery requests included in Plaintiff's Original Petition. Attached in the supporting appendix, in accordance with Rule 81.1(a)(3) of the Local Rules of the United States District Court of the Northern District of Texas, and incorporated herein by reference herein are the following attachments:

- *Exhibit A:* A copy of the Docket Sheet for cause number CC-15-04604-B, in the County Court at Law No. 2, Dallas County, Texas.
- *Exhibit B:* An index of documents filed in cause number CC-15-04604-B, in the County Court at Law No. 2, Dallas County, Texas, arranged in chronological order according to the state court file date, followed by the referenced documents.
  - *Exhibit B-1:* Plaintiff's Original Petition with Request for Disclosure filed September 10, 2015;
  - *Exhibit B-2:* Civil Case Information Sheet, filed September 10, 2015;
  - *Exhibit B-3:* Citation for Ken M. Jorgenson, issued September 10, 2015;
  - *Exhibit B-4:* Notice Pursuant to TRCP 165a, filed September 17, 2015;

- *Exhibit B-5*: Defendant Ken M. Jorgenson's Original Answer, filed October 26, 2015;
- *Exhibit C*: Texas Peace Officer Crash Report; and
- *Exhibit D*: Declaration of Ken M. Jorgenson.

12. A copy of this Notice of Removal is attached to the Notice of Filing of Notice of Removal filed with the County Court at Law No. 2, Dallas County, Texas, as required by 28 U.S.C. § 1446(d). Defendant Jorgenson will serve and certify service of copies of this Notice of Removal to Plaintiff as required by 28 U.S.C. § 1446(d).

**WHEREFORE**, Defendant Ken M. Jorgenson respectfully request the above-entitled action now pending in the County Court at Law No. 2, Dallas County, Texas, be removed to the United States District Court for the Northern District of Texas, Dallas Division, and that said Court assume full jurisdiction over the cause herein as provided by law.

Respectfully submitted,

By: s/ Emily A. Quillen

John W. Greene

Texas Bar No. 08391520

Emily A. Quillen

Texas Bar No. 24045624

SCOPELITIS, GARVIN, LIGHT,  
HANSON & FEARY, P.C.

801 Cherry Street, Suite 1075

Fort Worth, Texas 76102

Tel: (817) 869-1700

Fax: (817) 878-9472

Email: jgreene@scopelitis.com

Email: equillen@scopelitis.com

ATTORNEY FOR DEFENDANT  
KEN M. JORGENSEN

**CERTIFICATE OF SERVICE**

On October 26, 2015, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record listed below electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

Rick Lee Wingler  
Rolle, Breeland, Ryan Landau, Wingler & Hindman  
2030 Main Street, Suite 200  
Dallas, TX 75201

ATTORNEYS FOR PLAINTIFF

s/ Emily A. Quillen  
Emily A. Quillen

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